

This order is SIGNED.

Dated: February 18, 2020

DAREN J. HARRIS (#14978)
Summit Bankruptcy, PLLC
3115 E. Lion Lane, Suite 160

Salt Lake City, UT 84121
Telephone: (801) 405-7827
Facsimile: (801) 212-9888
Email: dharris@summitbankruptcy.com


KEVIN R. ANDERSON
U.S. Bankruptcy Judge



**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

| | |
|------------------------|-----------------------------|
| In re | Bankruptcy No.: 19-29131 |
| DAVID CHARLES NICHOLLS | Chapter 7 |
| Debtor, | HONORABLE KEVIN R. ANDERSON |

ORDER AVOIDING JUDGMENT LIENS IMPAIRING HOMESTEAD EXEMPTION

Debtor's Motion to Avoid Judicial Lien was scheduled for hearing before the Honorable Judge Kevin R. Anderson on March 6, 2020, at 2:00 p.m. Proper notice of the hearing was given to all parties listed on Debtor(s) mailing matrix and to these creditors pursuant to Bank. R. 7004(h). Parties were further notified that objections, if any, to the relief sought by Debtor(s) must be mailed "early enough so that the Court will **receive** it on or before **February 14, 2020**" and "In the absence of a timely filed objection, the undersigned counsel may and will ask the Court to enter an order approving the Motion without hearing." No objections or other response to the relief sought by Debtor was filed including by the creditors affected, and the hearing was consequently stricken at Debtor's request. The Court, being fully advised, having reviewed the Motion for Entry of Order and with good cause now therefore for good cause appearing:

IT IS HEREBY ORDERED AND DECREED that

1. The judicial execution lien claimed by A. Edward Ezor entered of record at the Third District Court in case 096400131 in the principal amount of approximately \$9,778.11 impairs Debtors' homestead exemption and is hereby canceled and avoided pursuant to 11 U.S.C. §522(f).

2. The judicial execution lien claimed by David Doyle d/b/a Quarystone Financial Service entered of record at the Third District Court in case 196500636 in the principal amount of approximately \$19,495.14 impairs Debtors' homestead exemption and is hereby canceled and avoided pursuant to 11 U.S.C. §522(f).

3. The judicial execution lien claimed by Hermosa Beach Police Department and the City of Hermosa Beach entered of record at the Third District Court in case 126501480 in the principal amount of approximately \$2,057.00 impairs Debtors' homestead exemption and is hereby canceled and avoided pursuant to 11 U.S.C. §522(f).

4. The debts previously secured by such judicial execution liens are thereby rendered unsecured. As such, the claims of A. Edward Ezor, David Doyle, d/b/a Quarystone Financial Services, and Hermosa Beach Police Department and the City of Hermosa Beach shall be treated be treated a general unsecured debt.

5. The property to which these Liens relate is Debtor(s)' principal residence commonly known as 2064 Snow Creek Ln, Park City, UT 84060 and more particularly described as:

Unit 2064, SNOW CREEK COTTAGES, a Utah Condominium Project, together with its appurtenant undivided ownership interest in and to the Common Areas and Facilities, as established and described in the Condominium Plat recorded April 20, 2010 as Entry No. 896386; and in the Declaration of Condominium for Snow Creek Cottages recorded April 20, 2010 as Entry No. 896387 m Book 2028 at page 1543, and Amendment to the

Declaration of Condominium recorded June 29, 2010 as Entry .No.902019 in Book 2038
at Page 451, records of Summit County, Utah.

Tax Serial Number: SCCC-20644.

6. A copy of this Judgment may be recorded to effect the avoidance of the Judicial Liens.

Dated this January 15, 2020.

[END OF DOCUMENT]

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing **Order Avoiding Judicial Lien Impairing Homestead Exemption** shall be served to the parties and in the manner designated below:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

Stephen W. Rupp
Chapter 7 Trustee
Via ECF

U.S. Trustee
Via ECF

Daren J. Harris
Via ECF

By U.S. Mail - In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed R. Civ. P. 5(b).

David Doyle dba Quarystone Financial Services
c/o Mark Swan
Strong & Hanni, PC
9350 South 150 East, Suite 820
Sandy, UT 84070

City of Hermosa Beach
c/o S. Frank Harrell
Lynberg & Watkins
1100 Town & Country Rd., Suite 1450
Orange, CA 92868 /s/ David M. Cook

/s/ Daren J. Harris
Daren J. Harris